

May 2, 2002

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

Item Page -2002 (Comm. 7M-2)
a. **VAN NESS FELDMAN, ATTORNEYS AT LAW:** NYPA Request to Utilize Alternative
Licensing Procedures for Niagara Power Project.
(5-0)

Item Page -2002 (Comm. 9E-30)
b. **COUNTY EXECUTIVE:** ECSD No. 6 – A/E Agreement Dated 6/24/93 – Engineering
Change Order “E” – Malcolm Pirnie.
(5-0)

Item Page -2002 (Comm. 9E-31)
c. **COUNTY EXECUTIVE:** ECSD No. 2 – A/E Agreement Dated 9/11/96 – Engineering
Change Order No. 4 – Stearns & Wheler.
(5-0)

2. Item Page -2002 (Intro. 8-7)
**DeBENEDETTI, GREENAN, RANZENHOFER, WEINSTEIN, LARSON, CHASE,
CUSACK & McCARVILLE**

WHEREAS, the Legislature set aside funds in the 2002 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,000 from the Legislature – Contractual fund (110905100830) to fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC:110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
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Erie County SPCA	830/	\$12,000
TOTAL		\$12,000

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract the agency cited, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Barbara S. Carr, Erie County SPCA (205 Ensminger Road, Tonawanda, NY 14150).

Fiscal Impact: Appropriation of 2002 - budgeted funds
(6-0) Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 9E-22)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry (Department) conducts several dozen recreational programs and events during the year for youth, seniors and citizens of all ages; and

WHEREAS, the Department has identified a need to expand existing events and to create more recreational and other programs benefiting County residents and taxpayers; and

WHEREAS, the Department's budget is insufficient to cover expanding existing programs and events and the creation of new programs and events; and

WHEREAS, the Department has previously obtained approval from the Erie County Legislature to accept a gift of scorecards, advertising a local auto dealer for use in the County's golf courses, and to solicit advertising fees from local businesses to sponsor golf holes; and

WHEREAS, such Legislative approval included the establishment of a grant for depositing such revenues and use by the Department to supplement its budget; and

WHEREAS, the Department desires to intensify its efforts to identify more sponsors who would pay to advertise their businesses at such County Parks events; and

WHEREAS, a schedule of sponsorship categories or levels is being proposed by the Department ranging from "Friend Sponsors" e.g., donation of golf scorecards to "Exclusive Platinum Partnership Levels" - \$6,000.00 to \$15,000.00 per year; and

WHEREAS, any such revenues from sponsorship advertising fees would be deposited into a second special grant for "Sponsorship of County Parks Events" exclusively for use by the Department of Parks, Recreation and Forestry.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any necessary agreements with businesses to sponsor various events and programs conducted by the Department; and be it further

RESOLVED, that the Department is authorized to solicit sponsors in accordance with the attached schedule entitled "Major Park Sponsorship Levels;" and be it further

RESOLVED, that the proceeds from sponsorships be maintained in a second separate grant to be used solely to support park purposes; and be it further

RESOLVED, that the following budget is hereby established in the grant fund for the Department of Parks, Recreation and Forestry:

SPONSORSHIP OF COUNTY PARKS EVENTS

<u>SFG</u>	<u>REVENUE</u>	<u>AMOUNT</u>
521	Other Unclassified	<u>\$150,000</u>
	TOTAL	\$150,000
<u>SFG</u>	<u>APPROPRIATIONS</u>	<u>AMOUNT</u>
810	Office Supplies	\$ 1,000
811	Recreational Supplies	70,000
812	Food/Kitchen Supplies	2,000
822	Rental Charges	2,000
824	Local Mileage	5,000
826	Other Expenses	<u>70,000</u>
	TOTAL	\$ 150,000

RESOLVED, that certified copies of this Resolution be sent to Joel A. Giambra, Erie County Executive, Joseph Passafiume, Director of Budget, Management and Finance, Lawrence D. Jasinski, Commissioner of the Department of Parks, Recreation and Forestry, Nancy A. Naples, County Comptroller and Gregory J. Dudek, Assistant County Attorney.
(5-0)

4. Item Page -2002 (Comm. 9E-23)

COUNTY EXECUTIVE

WHEREAS, NYSERDA approved of the Detailed Energy Study prepared by C.J. Brown Energy, P.C. for the Erie County Medical Center (ECMC) in September 1999, and

WHEREAS, NYSERDA has agreed through PON 3550, Cooling Re-Commissioning, to fund \$84,720.00 with a required match of funds of \$18,376.00 to implement specific Energy Conservation Measures described in that report, and

WHEREAS, the payback for implementation of these specific energy conservation measures is expected to be less than two years, and

WHEREAS, the Department of Public Works has an existing contract with C.J. Brown Energy, P.C. for services related to PON work,

NOW, THEREFORE, BE IT,

RESOLVED, that unanticipated revenue from PON 3550, Cooling Re-Commissioning Program is hereby appropriated in Fund 410, Project 810, Energy Conservation Project, as follows:

Account	975 Consultant Contracts	\$103,096.00
	Total Appropriations	\$103,096.00
Account	553/300 State-Aid – NYSERDA	\$ 84,720.00
Account	686/4000 Interfund Rev. Subsidy – ECMC	\$ 18,376.00
	Total Revenues	\$103,096.00

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, P.C.'s contract for \$103,096.00 for the work in implementing this project at the ECMC, and be it further,

RESOLVED, that the ECMC will reimburse Fund 410, Project 810 by \$18,376.00 upon completion of the project, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

(5-0)

5. Item Page -2002 (Comm. 9E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency (SSTA) has determined the need to perform engineering services to address the need for additional capacity

and upgrading at the SSTA Plant; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency and the Department of Environment & Planning have solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the first ranked firm of Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York is recommended to perform engineering services related to Phase I, the upgrading of the Southtowns Plant at a cost not to exceed \$840,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement for engineering services with Stearns & Wheler, LLC, University Centre, Suite 100, 415 North French Road, Amherst, New York in an amount not to exceed \$840,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute the contract with Stearns & Wheler, LLC, subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the County Comptroller be authorized and directed to allocate \$800,000.00 from Erie County/Southtowns Sewage Treatment Agency Capital Account Fund 430, Project 915 to cover Phase I, engineering services and \$40,000.00 from Erie County Sewer District No. 6 Capital Account fund 430, Project 914; and be it further

RESOLVED, that a certified copy of the resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget, Management and Finance.
(5-0)

6. Item Page -2002 (Comm. 9E-34)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 12E-20 [C], dated July 5, 2001, authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the Commissioner of Public Works has assigned several of its facilities to each of the contracted firms, and

WHEREAS, the first step in a Performance Contract is to perform a preliminary energy audit, and

WHEREAS, if cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, the charge for the preliminary energy audit is included in the construction contract, and

WHEREAS, if cost-effective Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the Performance Contractor then expects and deserves payment for the preliminary energy audit,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works is authorized to issue a Supplemental Agreement to the County's Performance Contractors to perform preliminary energy audits providing that a clause is included in the contract that states that no specific payment will be made for this service provided cost-effective Energy Conservation Measures are found at a facility, and a construction contract is progressed, and be it further,

RESOLVED, that should the Performance Contractor perform a preliminary energy audit and cost-effective Energy Conservation Measures are found at a facility, and a construction contract is not progressed by the County, the cost of this preliminary energy audit will be paid from the 2002 Energy Conservation Measures Capital Project, Fund 210, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management and Finance and the Office of the Comptroller.

(5-0)

7. Item Page -2002 (Comm. 9E-48)

COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management remodeled the downtown office during 2001 in order to accommodate increased staff and new technology needs; and

WHEREAS, current employee workstations are 30 to 40 years old and are not ergonomically designed nor suited for new office technology needs and do not fit well in the new office floor plan; and

WHEREAS, new workstations will create a more efficient office and allow the department to better utilize the limited space available; and

WHEREAS, workers compensation claims will be reduced if new office equipment is provided; and

WHEREAS, insufficient monies were budgeted in 2002 to complete the work; and

WHEREAS, there are available funds in the Sewer Districts' Unanticipated Account 935 that were budgeted in 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance be directed to authorize the purchase of new workstations and transfer the funds as follows:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$11,760.00	220 851 810 935	220 851 810 932
2,240.00	220 852 820 935	220 852 820 932
12,326.00	220 853 830 935	220 853 830 932
1,680.00	220 854 840 935	220 854 840 932

and be if further;

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director of Budget and Management.

(5-0)

8. Item Page -2002 (Comm. 9E-49)

COUNTY EXECUTIVE

WHEREAS, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 25 municipalities in northeastern and southern Erie County; and

WHEREAS, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past five (5) years; and

WHEREAS, Rural Transit Service, Inc., after public notice and completion of a County request for proposal process, is recommended for another five (5) year period through May, 2007 subject to the annual availability of federal funds and an annual contract with Erie County; and

WHEREAS, Rural Transit Service, Inc., desires to purchase a 12-passenger van and pay for increased operating expenses to expand transportation services to the Towns of Aurora, Elma, Marilla and Wales and the Village of East Aurora, utilizing \$68,644 of Federal Community Development funds available in prior and current years' Erie County Community Development Grants;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with Rural Transit Service, Inc. (RTS) a not-for-profit corporation, in order to administer the Rural Van Transportation Program for the 2002-2003 Community Development Consortium Block Grant (CDBG) Program year, for a contract amount not to exceed \$227,527 which includes purchasing a 12-passenger van, and operating support to expand transportation services to the Towns of Aurora, Elma, Marilla and Wales and the Village of East Aurora; and be it further

RESOLVED, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 2002-2003 Community Development Program year or the availability of unexpended funds allocated for the service from prior CDBG program years; and be it further

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal were complied with for the use of federal CDBG monies and a summary of the request for proposal process is attached to this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management, and Finance, the Comptroller and the Commissioner of the Department of Environment and Planning.

(5-0)

JOHN W. GREENAN
CHAIRMAN